

### REMARKS

The present application was originally filed with 11 Claims. In a Restriction Requirement mailed August 7, 2003, the Examiner has restricted the Claims into four Groups, with Claims 1-2, drawn to a chimeric polypeptide comprising a PhoD secretion signal derived from *B. subtilis* in Group I; Claims 1-2, drawn to a chimeric polypeptide comprising a LipA secretion signal derived from *B. subtilis* in Group II; Claims 3-11, drawn to nucleic acids encoding a chimeric polypeptide comprising a PhoD secretion signal derived from *B. subtilis*, cells comprising the same, and use thereof, in Group III; and Claims 3-11, drawn to nucleic acids encoding a chimeric polypeptide comprising a LipA secretion signal derived from *B. subtilis*, cells comprising the same, and use thereof, in Group IV. In a Response filed August 22, 2003, Applicants elected (with traverse) the Claims in Group III (Claims 3-11) directed toward nucleic acids encoding a chimeric polypeptide comprising a PhoD secretion signal, and cancelled Claims 1-2. Thus, Claims 3-11 were pending in the present application.

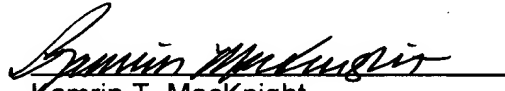
Applicants appreciatively note that the Examiner has indicated Claims 3-6 are allowable. The Examiner has rejected Claims 7-11 under 35 USC §112, second paragraph, as allegedly being indefinite. In particular, the Examiner argues that Claims 7-11 are incomplete for omitting essential steps. In addition, Claims 7-11 stand rejected under 35 USC §112, first paragraph, as allegedly not being enabled. While Applicants must respectfully disagree with the Examiner's arguments, in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, Applicants have cancelled Claims 7-11, in order for Claims 3-6 to proceed to allowance. Applicants reserve the right to pursue the cancelled Claims in one or more subsequently filed applications. Indeed, these amendments are made in order to further Applicants' business interests and the prosecution of the present application, yet without acquiescing to the Examiner's rejections. Applicants respectfully submit that the Claims are in condition for allowance and request that these Claims be allowed.

**CONCLUSION**

In light of the above amendments and remarks, Applicants believe that the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-5838.

Respectfully submitted,

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